



21st Floor
1251 Avenue of the Americas
New York, NY 10020-1104

Robert D. Balin
212-603-6440 tel
212-489-8340 fax
robertbalin@dwt.com

MEMO ENDORSED

The Application is granted.

December 1, 2020

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: December 2, 2020

VIA ECF

Hon. Paul G. Gardephe
United States District Judge
Daniel Patrick Moynihan United States Courthouse, Courtroom 21A
500 Pearl St.
New York, NY 10007-1312

Re: *Condayan v. Mathieu, et al.*, No. 20-cv-05596
Joint Application to Adjourn Briefing Schedule and to File Oversized Briefs

Dear Judge Gardephe:

I am a partner at Davis Wright Tremaine LLP, attorneys for Defendants Jennifer Mathieu, Macmillan Publishing Group, LLC, Holtzbrinck Publishing Holdings Limited Partnership (“HPHLP”), and Roaring Brook Press (a non-corporate imprint of HPHLP) (collectively, the “Publisher Defendants”) in the above-captioned action. On behalf of all parties, I submit this joint application pursuant to Rules I.A and D of this Court’s Individual Rules of Practice.

First, by order dated November 11, 2020, Your Honor directed the Publisher Defendants and defendant Sarah LaPolla (who is represented by separate counsel) to file their proposed motions to dismiss the Complaint and set a briefing schedule. (ECF No. 36). The parties respectfully request that the page limit for the Publisher Defendants’ moving brief, LaPolla’s moving brief, and plaintiff’s opposition briefs each be increased from 25 pages to 30 pages. Because defendants intend to move to dismiss plaintiff’s copyright infringement claim on the ground of no substantial similarity, the parties will be required in their briefs to discuss in detail the plots of *Moxie* and plaintiff’s two manuscripts. In addition, this small page increase will permit the parties to adequately address each of the separate state law claims that plaintiff brings against defendants.

Second, due to the upcoming holidays, the parties respectfully request a short adjournment of the briefing schedule set by the Court in its November 11, 2020 order. Specifically, the parties request the following proposed briefing schedule:

- Defendants’ motions to dismiss will be due on **December 17, 2020**
- Plaintiff’s opposition papers will be due on **January 28, 2021**

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- Defendants' reply papers will be due on **February 4, 2021**

This is the parties' first request to adjourn the briefing schedule. All parties consent to this request.

Thank you for your consideration of this matter.

Respectfully,

Davis Wright Tremaine LLP

/s/ Robert D. Balin

Robert D. Balin

cc: All counsel of record (via ECF)